

### REMARKS

Claims 1 – 18, 20 – 32, and 34 – 36 are pending in the application. Applicants amend claims 6 and 34, and add new claim 39. No new matter is added.

### ALLOWED CLAIMS

Applicants thank the Examiner for indicating that claims 1 – 5, 7 - 18, 20 – 32, 35 and 36 remain currently allowed.

### OBJECTION TO SPECIFICATION

The abstract of the disclosure is objected to for including the title of the invention. Applicants amend the abstract to delete the title, and respectfully request that the objection to the specification be withdrawn.

### OBJECTED CLAIM

Claim 6 is objected to in regard to providing sufficient antecedent basis for the term “transceiver training”. Applicants thank the Examiner for suggesting as a remedy that claim 6 be amended to depend from claim 3 rather than claim 2, and amend claim 6 accordingly. Applicants respectfully request therefore that the objection as to claim 6 be withdrawn.

### REJECTIONS UNDER 35 U.S.C. § 103

Claim 34 is rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,311,588 to Polcyn in view of U.S. Patent No. 5,991,311 to Long and U.S. Patent No. 5,461,640 to Gatherer. Applicants respectfully traverse this rejection..

In amended independent claim 34, Applicants disclose:

34. A digital subscriber line apparatus for communicating through a communication line, comprising:

a generator for generating a sliding window based on a TCM-ISDN timing signal representing a periodical noise duration; and

a discriminator for discriminating, based on a status of said sliding window, which kinds of durations of said periodical noise duration a transmitting DMT symbol belongs to.

(Emphasis added)

Polcyn discloses a method and system for determining the progress of a calling connection (see, e.g., abstract of Polcyn). The Examiner suggests that Polcyn teaches each of the limitations of Applicants' claim 34, with the exception of teaching a TCM-ISDN timing signal and DMT symbols, and that these elements are respectively taught by Long and Gatherer.

Applicants respectfully disagree, and submit that the cited references alone and in combination fail to disclose or suggest Applicants' claimed discriminator for discriminating a kind of noise duration based on a status of the sliding window.

For example, while Polcyn discloses a measurement process in which measurements are made within a sliding window (see, e.g., column 1, line 59 – column 2, line 4 of Polcyn), this process falls short of suggesting Applicants' claimed discriminator for discriminating a kind of noise duration based on the status of the sliding window.

In sharp contrast to Applicants' claimed invention, Polcyn is silent as to determining a kind of noise duration, and teaches discriminating noise on the basis of measuring successive voice signals and peak/average indicators without suggesting that these measurements in addition be based on a status of the sliding window (see, e.g., column 13, line 59 – column 14, line 7 of Polcyn).

Even assuming arguendo that Long and Gatherer suggest in combination with Polcyn suggests that the sliding window can be based on a TCM-ISDN timing signal, the combination falls short of suggesting Applicants' claimed sliding window based on a TCM-ISDN timing signal representing a periodical noise duration. While Long and Gatherer in combination with

Polcyn may arguably suggest transmission and/or reception of DMT symbols within a sliding window, the combination still fails to suggest Applicants' claimed discriminator for discriminating, based on a status of said sliding window, which kinds of durations of said periodical noise duration a transmitting DMT symbol belongs to.

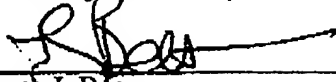
Accordingly, Applicants respectfully submit that amended independent claim 34 is not made obvious by the combination of Polcyn, Long and Gatherer, and is therefore in condition for allowance.

#### CONCLUSION

An earnest effort has been made to be fully responsive to the Examiner's objections. In view of the above amendments and remarks, it is believed that claims 1 – 18, 20 – 32, 34 – 36, and 39 consisting of independent claims 1, 17, 18, 20, 31, 32, 34– 36, and 39 and the claims dependent therefrom, are in condition for allowance. Passage of this case to allowance is earnestly solicited. However, if for any reason the Examiner should consider this application not to be in condition for allowance, he is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged on Deposit Account 50-1290.

Respectfully submitted,

  
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